

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----x  
APPLIED TECHNOLOGY LIMITED,

Plaintiff,

-v-

WATERMASTER OF AMERICA, INC.

Defendant.

-----x  
WATERMASTER OF AMERICA, INC.

07 Civ 6620 (LTS)

Counter-Plaintiff,

**STATEMENT OF DEFENDANT  
/ COUNTERCLAIM PLAINTIFF  
WATERMASTER OF  
AMERICA, INC. IN RESPONSE  
TO AUGUST 31, 2007 ORDER  
OF THE COURT**

-v-

APPLIED TECHNOLOGY LIMITED, JOHN FETTER,  
and FETTER & HENDERSON LTD

Counter-Defendants.

-----x

Pursuant to the Order of the Court dated August 31, 2007 ("Order"), Defendant /  
Counterclaim Plaintiff Watermaster of America, Inc. ("Watermaster") hereby respectfully states  
as follows:

1. Due to a docketing error, this statement is being made more than ten (10) days  
following the Court's Order. No motion to remand has been filed by Plaintiff / Counterclaim  
Defendant Applied Limited Technology ("ATL") as required by 28 U.S.C. § 1447(c).

Watermaster respectfully states that there is no prejudice to ATL or Counterclaim Defendants  
John Fetter and Fetter & Henderson Ltd. as a result of this late filing.

2. Watermaster responds to the Court's requested information set forth in Paragraph 3 of the Order as follows:

**(a) A full explanation if all defendants who had been served at the time of removal did not join in the notice of removal.**

Watermaster states that it is the only Defendant and that Watermaster filed the Notice of Removal.

**(b) A full explanation if the notice of removal was dated more than thirty (30) days after the first defendant was served.**

Watermaster states that the Petition for Removal was filed by Watermaster on July 23, 2007, within thirty (30) days of service of the Complaint, service of which was made on the New York Secretary of State on July 3, 2007.

**(c) If the action has been removed on grounds of diversity jurisdiction, a statement as to whether any of the defendants who had been served at the time of removal is a citizen of New York State.**

Watermaster, the only Defendant, states that it is a Florida corporation licensed to do business in the State of New York, and maintains an office in the State of New York, in this District.

**(d) If the action has been removed on the ground of diversity jurisdiction, the citizenship of all named plaintiffs and all named defendants (including the citizenship of all members or partners in any-non corporate party), if such states of citizenship were not set forth in the notice of removal.**

Watermaster states that Plaintiff ATL is a corporation organized under the laws of the Bailiwick of Jersey. Counterclaim Defendant Fetter & Henderson Ltd. is a privately held company organized under the laws of the Republic of South Africa. Counterclaim Defendant John Fetter resides in Johannesburg, South Africa.

3. Issue has been fully joined in the case.

4. A copy of the Court's August 31, 2007 Order was served by U.S. mail upon Bruce D. Johnson, attorney for Plaintiff / Counterclaim Defendant ATL, and Counterclaim Defendants Fetter & Henderson Ltd. and John Fetter, on August 31, 2007. The corresponding Certificate of Service is attached hereto as Exhibit A.

Dated: New York, New York  
September 25, 2007

Respectfully submitted,

s/ William R. Hansen

William R. Hansen (WH-6446)  
Bernadette McGlynn Reilly (BR-4117)  
LATHROP & GAGE L.C.  
230 Park Avenue, Suite 1847  
New York, New York 10169  
(212) 850-6220  
Fax: (212) 850-6221

**CERTIFICATE OF SERVICE**

I hereby certify that on the 25th day of September 2007, I electronically filed the foregoing **STATEMENT OF DEFENDANT / COUNTERCLAIM PLAINTIFF WATERMASTER, INC. IN RESPONSE TO AUGUST 31, 2007 ORDER OF THE COURT** with the Clerk of the United States District Court, Southern District of New York, using the CM/ECF system. I hereby certify that I have also mailed by United States Postal Service the document to counsel for Plaintiff / Counterclaim Defendant ATL and Counterclaim Defendants Fetter & Henderson Ltd. and John Fetter:

Bruce D. Johnson, Esq.  
Johnson & Associates  
950 Third Avenue  
New York, NY 10022

Dated: New York, New York  
September 25, 2007

Respectfully submitted,

s/Bernadette McGlynn Reilly  
William R. Hansen (WH-6446)  
Bernadette McGlynn Reilly (BR-4117)  
LATHROP & GAGE L.C.  
230 Park Avenue, Suite 1847  
New York, New York 10169  
(212) 850-6220  
Fax: (212) 850-6221

**EXHIBIT A**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 31st day of August 2007, I served the Court's August 31, 2007, Order upon counsel for Plaintiff / Counterclaim Defendant ATL and Counterclaim Defendants Fetter & Henderson Ltd. and John Fetter by U.S. mail as follows:

Bruce D. Johnson, Esq.  
Johnson & Associates  
950 Third Avenue  
New York, NY 10022

Dated: New York, New York  
September 25, 2007

Respectfully submitted,

s/ Bernadette McGlynn Reilly  
William R. Hansen (WH-6446)  
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